

EASTERN DISTRICT OF TEXAS

CIVIL ACTION NO. 1:09-CV-934

LINDA IRWIN, *et al.*,

Defendants.

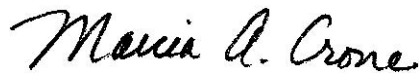
After careful consideration, the court concludes Plaintiff's objections are without merit. Plaintiff is responsible for the payment of the initial partial filing fee and has not paid the fee as ordered. The statement of Plaintiff's prisoner account submitted with the complaint shows Plaintiff had sufficient funds to pay the initial partial filing fee assessed in this action. The TDCJ has established procedures whereby an inmate may obtain the certified statement of his inmate trust account and authorize the payment of filing fees. *See Morrow v. Collins*, 111 F.3d 374 (5th Cir. 1997). A notice to inmates was provided by TDCJ, informing all inmates of the procedure.

Id. Further, a review of the TDCJ inmate locator reveals that Plaintiff is no longer confined in the Texas Department of Criminal Justice. Plaintiff, however, has failed to provide the court with a current address at which he may be contacted. Thus, Plaintiff has failed to diligently prosecute this action.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 10th day of November, 2010.

A handwritten signature in cursive script that reads "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE